

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1060
91ST GENERAL ASSEMBLY

Reported from the Committee on Local Government and Related Matters, May 13, 2002, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1060 Do Pass.

TED WEDEL, Chief Clerk

4139L.06C

AN ACT

To repeal sections 52.250, 52.290, 141.610, 141.720, 141.750, 141.770. 141.790, 447.620, 447.622, 447.625, 447.632, 447.636, 447.638 and 447.640, RSMo, and to enact in lieu thereof twenty-five new sections relating to land tax collection law.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 52.250, 52.290, 141.610, 141.720, 141.750, 141.770. 141.790, 2 447.620, 447.622, 447.625, 447.632, 447.636, 447.638, and 447.640, RSMo, are repealed and 3 twenty-five new sections enacted in lieu thereof, to be known as sections 52.250, 52.290, 52.312, 4 52.315, 52.317, 54.323, 54.325, 54.327, 141.610, 141.720, 141.750, 141.770. 141.790, 447.620, 5 447.622, 447.625, 447.632, 447.636, 447.638, 447.640, 1, 2, 3, 4 and 5, to read as follows:

52.250. The collectors in third class counties shall collect a fee of one-half of one percent 2 [and the collectors in fourth class counties shall collect a fee of one percent] of all current taxes 3 collected, including current delinquent taxes, exclusive of all current railroad and utility taxes 4 collected **on behalf of the county**, as compensation for mailing the statements and receipts. All 5 fees collected pursuant to this section shall be collected on behalf of the county and shall be paid 6 into the county treasury. **Notwithstanding any provisions of law to the contrary, or any 7 other provision of law in conflict with the provisions of this section, in all counties which 8 become counties of the second or fourth classification after December 31, 2000, one-half 9 of one percent of all current taxes collected, including current delinquent taxes allocable 10 to each taxing authority within the county and the county shall continue to be deducted**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 **each year for mailing the statements and receipts, exclusive of all current railroad and**
12 **utility taxes collected, and shall be deposited into the county general fund as required by**
13 **this section as if the county had retained its classification as a county of either the third or**
14 **the fourth classification.** Collectors in third and fourth class counties are entitled to collect
15 such fees immediately upon an order of the circuit court [under] **pursuant to** section 139.031,
16 RSMo. If the protest is later sustained and a portion of the taxes so paid is returned to the
17 taxpayer the county shall return that portion of the fee collected on the amount returned to the
18 taxpayer. **Such county collector may accept credit cards as proper form of payment of**
19 **outstanding taxes due. No county collector may charge a surcharge for payment by credit**
20 **card, and no county collector shall charge any credit card used for payment for more than**
21 **the face value of the fees due.**

52.290. 1. In all counties except counties of the first classification having a charter form
2 of government and any city not within a county, the collector shall collect on behalf of the county
3 a fee for the collection of delinquent and back taxes of [five] **seven** percent on all sums collected
4 to be added to the face of the tax bill and collected from the party paying the tax. [Two-fifths]
5 **Two-sevenths** of the fees collected [under] **pursuant to** the provisions of this section shall be
6 paid into the county general fund, **two-sevenths of the fees collected pursuant to the**
7 **provisions of this section shall be paid into the tax maintenance fund of the county as**
8 **required by section 52.312** and [three-fifths] **three-sevenths** of the fees collected [under]
9 **pursuant to** the provisions of this section shall be paid into the county employees' retirement
10 fund created by sections 50.1000 to 50.1200, RSMo.

11 2. In all counties of the first classification having a charter form of government and any
12 city not within a county, the collector shall collect on behalf of the county and pay into the
13 county general fund a fee for the collection of delinquent and back taxes of two percent on all
14 sums collected to be added to the face of the tax bill and collected from the party paying the tax.

15 3. **Such county collector may accept credit cards as proper form of payment of**
16 **outstanding delinquent and back taxes due. No county collector may charge a surcharge**
17 **for payment by credit card, and no county collector shall charge any credit card used for**
18 **payment for more than the face value of the fees due.**

52.312. Notwithstanding any provisions of law to the contrary, in addition to fees
2 **provided for in this chapter, or any other provisions of law in conflict with the provisions**
3 **of this section, all counties, other than counties of the first classification having a charter**
4 **form of government and any city not within a county, subject to the provisions of this**
5 **section, shall establish a fund to be known as the "Tax Maintenance Fund" to be used**
6 **solely as a depository for funds received or collected for the purpose of funding additional**
7 **costs and expenses incurred in the office of collector. Funds in the tax maintenance fund**

8 shall be appropriated by the county commission, and used exclusively for the purposes
9 authorized in sections 52.312, 52.315, and 52.317.

52.315. 1. The two percent collected to fund the tax maintenance fund pursuant
2 to section 52.290, shall be transmitted monthly for deposit into the tax maintenance fund
3 and used for additional administration and operation costs for the office of collector. Any
4 costs shall include, but shall not be limited to, those costs that require any additional out-
5 of-pocket expense by the office of collector and it may include reimbursement to county
6 general revenue for the salaries of employees of the office of collector for hours worked and
7 any other expenses necessary to conduct and execute the duties and responsibilities of such
8 office.

9 2. The tax maintenance fund may also be used by the collector for training,
10 purchasing new or upgrading information technology, equipment or other essential
11 administrative expenses necessary to carry out the duties and responsibilities of the office
12 of collector, including anything necessarily pertaining thereto.

13 3. The collector has the sole responsibility for all expenditures made from the tax
14 maintenance fund and shall approve all expenditures from such fund. All such
15 expenditures from the tax maintenance fund shall not be used to substitute for or subsidize
16 any allocation of county general revenue for the operation of the office of collector.

17 4. The tax maintenance fund may be audited by the appropriate auditing agency.
18 Any unexpended balance shall be left in the tax maintenance fund, to accumulate from
19 year to year with interest.

52.317. Any county subject to the provisions of section 52.312 shall provide moneys
2 for budget purposes in an amount not less than the approved budget in the previous year
3 and shall include the same percentage adjustments in compensation as provided for other
4 county employees as effective January first each year. Any moneys accumulated and
5 remaining in the tax maintenance fund as of December thirty-first each year in all counties
6 of the first classification without a charter form of government shall be limited to an
7 amount equal to one-half of the previous year's approved budget for the office of collector,
8 and any moneys accumulated and remaining in the tax maintenance fund as of December
9 thirty-first each year in all counties other than counties of the first classification and any
10 city not within a county, which collect more than four million dollars of all current taxes
11 charged to be collected, shall be limited to an amount equal to the previous year's approved
12 budget for the office of collector. Any moneys remaining in the tax maintenance fund as
13 of December thirty-first each year that exceed the above established limits shall be
14 transferred to county general revenue by the following January fifteenth of each year.

15 54.323. Notwithstanding any provisions of law to the contrary, in addition to fees

16 provided for in this chapter, or any other provisions of law in conflict with the provisions
17 of this section, all counties of the third and fourth classification adopting township
18 organization subject to the provisions of this section, shall establish a fund to be known as
19 the "Tax Maintenance Fund" to be used solely as a depository for funds received or
20 collected for the purpose of funding additional costs and expenses incurred in the office of
21 treasurer ex officio collector. Funds in the tax maintenance fund shall be appropriated by
22 the county commission, and used exclusively for the purposes authorized in sections 54.323,
23 54.325, and 54.327.

54.325. 1. In addition to the fees collected on all delinquent and back taxes by any
2 treasurer ex officio collector pursuant to the provisions of this chapter and chapter 50,
3 RSMo, such ex officio collector shall collect an additional two percent on all delinquent and
4 back taxes and these additional fees shall be transmitted monthly for deposit into the tax
5 maintenance fund pursuant to the provisions of section 54.323 and used for additional
6 administration and operation costs for the office of treasurer ex officio collector. Any costs
7 shall include, but shall not be limited to, those costs that require any additional out-of-
8 pocket expense by the office of treasurer ex officio collector and it may include
9 reimbursement to county general revenue for the salaries of employees of the office of
10 treasurer ex officio collector for hours worked and any other expenses necessary to conduct
11 and execute the duties and responsibilities of such office.

12 2. The tax maintenance fund may also be used by the treasurer ex officio collector
13 for training, purchasing new or upgrading information technology, equipment or other
14 essential administrative expenses necessary to carry out the duties and responsibilities of
15 the office of treasurer ex officio collector, including anything necessarily pertaining
16 thereto.

17 3. The treasurer ex officio collector has the sole responsibility for all expenditures
18 made from the tax maintenance fund and shall approve all expenditures from such fund.
19 All such expenditures from the tax maintenance fund shall not be used to substitute for or
20 subsidize any allocation of county general revenue for the operation of the office of
21 treasurer ex officio collector.

22 4. The tax maintenance fund may be audited by the appropriate auditing agency.
23 Any unexpended balance shall be left in the tax maintenance fund, to accumulate from
24 year to year with interest.

54.327. Any county of the third and fourth classification adopting township
2 organization shall provide moneys for budget purposes in an amount not less than the
3 approved budget in the previous year and shall include the same percentage adjustments
4 in compensation as provided for other county employees as effective January first each

5 year. Any moneys accumulated and remaining in the tax maintenance fund as of
6 December thirty-first each year in all counties of the third and fourth classification
7 adopting township organization shall be limited to an amount equal to the previous year's
8 approved budget for the office of treasurer ex officio collector. Any moneys remaining in
9 the tax maintenance fund as of December thirty-first each year that exceed the above
10 established limits shall be transferred to county general revenue by the following January
11 fifteenth of each year.

141.610. Each court administrator's or sheriff's deed given pursuant to the provisions of
2 the land tax collection law shall be presumptive evidence that the suit and all proceedings therein
3 and all proceedings prior thereto from and including assessment of the lands affected thereby and
4 all notices required by law were regular and in accordance with all provisions of the law relating
5 thereto. **The court administrator or sheriff shall record its deed and shall collect said**
6 **recording fee at the time of sale.** After [two years] **one year** from the date of the [recording
7 of such] court administrator's [or sheriff's deed] **foreclosure sale**, the presumption shall be
8 conclusive pursuant to sections 141.210 to 141.810. Notwithstanding section 516.010, RSMo,
9 no suit to set aside or to attack the validity of any such court administrator's or sheriff's deed shall
10 be commenced or maintained unless the suit is filed within [two years] **one year** from the date
11 **of the court administrator's [or sheriff's deed is recorded] foreclosure sale.**

141.720. 1. The land trust shall be composed of three members, one of whom shall be
2 appointed by the county **executive, or if the county does not have a county executive, the**
3 **county** commission of the county, one of whom shall be appointed by the city council of that city
4 in the county which then has the largest population according to the last preceding federal
5 decennial census, and one of whom shall be appointed by the board of directors of the school
6 district which then has the largest population according to such census in the county.

7 2. The terms of office of the land trustees shall be for four years each, except the terms
8 of the first land trustees who shall be appointed by the foregoing appointing authorities,
9 respectively, not sooner than twelve months and not later than eighteen months after sections
10 141.210 to 141.810 take effect.

11 3. Each land trustee shall have been a resident of the county for at least five years next
12 prior to appointment, shall not hold other salaried or compensated public office by election or
13 appointment during service as land trustee, the duties of which would in any way conflict with
14 his duties as land trustee, and shall have had at least ten years experience in the management or
15 sale of real estate.

16 4. Of the first land trustees appointed under sections 141.210 to 141.810, the land trustee
17 appointed by the county commission shall serve for a term ending February 1, 1946, the land
18 trustee appointed by the board of directors of the school district then having the largest

19 population in the county shall serve for a term expiring February 1, 1947, and the land trustee
20 appointed by the city council of the city then having the largest population in the county shall
21 serve for a term expiring February 1, 1948. Each land trustee shall serve until his successor has
22 been appointed and qualified.

23 5. Any vacancy in the office of land trustee shall be filled for the unexpired term by the
24 same appointing authority which made the original appointment. If any appointing authority fails
25 to make any appointment of a land trustee within the time the first appointments are required by
26 sections 141.210 to 141.810 to be made, or within thirty days after any term expires or vacancy
27 occurs, then the appointment shall be made by the mayor of that city in the county then having
28 the largest population, according to the last preceding federal decennial census.

29 6. The members shall receive for their services as land trustees a salary of two thousand
30 four hundred dollars per year.

31 7. Each land trustee may be removed for cause by the respective appointing authority,
32 after public hearing, if requested by the land trustee, and an opportunity to be represented by
33 counsel and to present evidence is afforded the trustee.

141.750. 1. Such land trust shall be a continuing body and shall have and adopt an
2 official seal which shall bear on its face the words "Land Trust of County, Missouri",
3 "Seal", and shall have the power to sue and issue deeds in its name, which deed shall be signed
4 by the chairman or vice chairman, and attested by the secretary or assistant secretary and the
5 official seal of the land trust affixed thereon, and shall have the general power to administer its
6 business as any other corporate body.

7 2. The land trust may convey title to any real estate sold or conveyed by it by general or
8 special warranty deed, and may convey an absolute title in fee simple, without in any case
9 procuring any consent, conveyance or other instrument from the beneficiaries for which it acts;
10 provided, however, that each such deed shall recite whether the selling price represents a
11 consideration equal to or in excess of two-thirds of the appraised value of such real estate so sold
12 or conveyed, and if such selling price represents a consideration less than two-thirds of the
13 appraised value of said real estate, then the land trustees shall first procure the consent thereto
14 of not less than two of the three appointing authorities, which consent shall be evidenced by a
15 copy of the action of each such appointing authority duly certified to by its clerk or secretary
16 attached to and made a part of said deed, **except the land trust may sell or convey a vacant**
17 **residential tract of land containing four thousand square feet or less with an assessed value**
18 **of less than two hundred fifty dollars to the owner or owners of residential property**
19 **contiguous to the tract being sold for a price equal to fifty percent of the assessed value of**
20 **the tract without first obtaining an appraisal of the tract.**

141.770. 1. Each annual budget of the land trust shall be itemized as to objects and

2 purposes of expenditure, prepared not later than December [fifteenth] **tenth** of each year **with**
3 **copies delivered to the county and city that appointed trustee members**, and shall include
4 therein only such appropriations as shall be deemed necessary to meet the reasonable expenses
5 of the land trust during the forthcoming fiscal year. **That budget shall not become the**
6 **required annual budget of the land trust unless and until it has been approved by the**
7 **governing bodies of the county or city that appointed trustee members. If either of the**
8 **governing bodies of the county and city that appointed trustee members fail to notify the**
9 **land trust in writing of any objections to the proposed annual budget on or before**
10 **December twentieth, then such failure or failures to object shall be deemed approval. In**
11 **the event objections have been made and a budget for the fiscal year beginning January**
12 **first has not been approved by the governing bodies of the county and city on or before**
13 **January first, then the budget for the previous fiscal year shall become the approved**
14 **budget for that fiscal year.** Any unexpended funds from the preceding fiscal year shall be
15 deducted from the amounts needed to meet the budget requirements of the forthcoming year.

16 2. Copies of the budget shall be made available to the public on or before December
17 [fifteenth] **tenth**, and a public hearing shall be had thereon prior to December twentieth, in each
18 year. **The approved and adopted budget may be amended by the trustee members only**
19 **with the approval of the governing bodies of the county and city that appointed trustee**
20 **members.**

21 3. **If at any time there are not sufficient funds available to pay** the salaries and other
22 expenses of such land trust and of its employees, incident to the administration of sections
23 141.210 to 141.810, including any expenditures authorized by section 141.760, **funds sufficient**
24 **to pay such expenses** shall be advanced and paid to the land trust upon its requisition therefor,
25 fifty percent thereof by the county commission of such county, and the other fifty percent by all
26 of the municipalities in such county as defined in section 141.220, in proportion to their assessed
27 valuations at the time of their last completed assessment for state and county purposes. The land
28 trust shall have power to requisition **such funds in an amount** not to exceed twenty-five
29 [thousand dollars] **percent of the total annual budget of the land trust** from such sources for
30 [each] **that** fiscal year of the land trust **for which there are not sufficient funds otherwise**
31 **available to pay the salaries and other expenses of the land trust**, but any amount in excess
32 of twenty-five [thousand dollars per] **percent of the total annual budget in any fiscal** year may
33 be requisitioned by and paid to the land trust only if such additional sums are agreed to and
34 approved by the county commission and the respective municipalities in such county so desiring
35 to make such payment. All moneys so requisitioned shall be paid in a lump sum within thirty
36 days after **such requisition or** the commencement of [each] **the** fiscal year of the land trust **for**
37 **which such requisition is made, whichever is later**, and shall be deposited to the credit of the

38 land trust in some bank or trust company, subject to withdrawal by warrant as herein provided.

39 4. The fiscal year of the land trust shall commence on January first of each year. [Said]
40 **Such** land trust shall audit all claims for the expenditure of money, and shall, acting by the
41 chairman or vice chairman thereof, draw warrants therefor from time to time.

42 5. No warrant for the payment of any claim shall be drawn by such land trust until such
43 claim shall have been approved by the land commissioner and shall bear [his] **the**
44 **commissioner's** certificate that there is a sufficient unencumbered balance in the proper
45 appropriation and sufficient unexpended cash available for the payment thereof. For any
46 certification contrary thereto, such land commissioner shall be liable personally and on [his] **the**
47 **commissioner's** official bond for the amounts so certified, and shall thereupon be promptly
48 removed from office by the land trustees.

49 **6. In addition to the annual audit provided for in section 141.760, the land trust**
50 **may be performance audited at any time by the state auditor or by the auditor of any home**
51 **rule city with more than four hundred thousand inhabitants and located in more than one**
52 **county that is a member of the land trust. The cost of such audit shall be paid by the land**
53 **trust, and copies shall be made available to the public within thirty days of the completion**
54 **of the audit.**

141.790. 1. Such land trust shall set up accounts on its books relating to the operation,
2 management, or other expense of each individual parcel of real estate.

3 2. When any parcel of real estate is sold or otherwise disposed of by the land trust, the
4 proceeds therefrom shall be applied and distributed in the following order:

5 (1) To the payment of the expenses of sale;

6 (2) To the payment of any penalties, attorney's fees or costs which were included in the
7 judgment originally entered against said parcel of real estate, plus its proportional part of the
8 costs of sheriff's foreclosure sale, as shown on the books of the collector;

9 (3) To the payment of the costs of the care, improvement, operation, and management
10 of such parcel of real estate as determined by the land trustees and apportioned to such parcel;

11 (4) The balance to be **retained by the land trust to pay the salaries and other**
12 **expenses of such land trust and of its employees, incident to the administration of sections**
13 **141.210 to 141.810, including any expenditures authorized by section 141.760, as provided**
14 **for in its annual budget;**

15 (5) **Any funds in excess of those necessary to meet the expenses of the annual budget**
16 **of the land trust in any fiscal year, and including a reasonable sum to carry over into the**
17 **next fiscal year to assure that sufficient funds will be available to meet initial expenses for**
18 **that next fiscal year, may be** paid to the respective taxing authorities and tax bill owners, if any,
19 in the proportion that the principal amounts of the tax bills of each such party bears to the total

20 principal amount of all the tax bills included in the original judgment relating to such parcel of
21 real estate and in the order of their respective priorities. After deduction of all sums charged to
22 each account for various expenses, distribution shall be made to the respective taxing authorities
23 and to tax bill owners having an interest in such parcel of real estate, on January first and July
24 first of each year, and at such other times as the land trustees in their discretion may determine.

447.620. As used in sections 447.620 to 447.640, the following terms mean:

2 (1) "Housing code", a local building, fire, health, property maintenance, nuisance or
3 other ordinance which contains standards regulating the condition or maintenance of residential
4 buildings;

5 (2) "Last known address", the address where the property is located or the address as
6 listed in the property tax records;

7 (3) ["Low- or moderate-income housing", housing for persons and families who lack the
8 amount of income necessary to rent or purchase adequate housing without financial assistance,
9 as defined by such income limits as shall be established by the Missouri housing development
10 commission for the purposes of determining eligibility under any program aimed at providing
11 housing for low- and moderate-income families or persons;

12 (4)] "Municipality", any incorporated city, town or village;

13 [(5)] (4) "Nuisance", any property which because of its physical condition or use is a
14 public nuisance or any property which constitutes a blight on the surrounding area or any
15 property which is in violation of the applicable housing code such that it constitutes a substantial
16 threat to the life, health or safety of the public. For purposes of sections 447.620 to 447.640, any
17 declaration of a public nuisance by a municipality pursuant to an ordinance adopted pursuant to
18 sections 67.400 to 67.450, RSMo, shall constitute prima facie evidence that the property is a
19 nuisance;

20 [(6)] (5) "Organization", any Missouri not-for-profit organization validly organized
21 pursuant to law and whose purpose includes the provision or enhancement of housing
22 opportunities in its community;

23 [(7)] (6) "Parties in interest", any owner or owners of record, occupant, lessee,
24 mortgagee, trustee, personal representative, agent or other party having an interest in the property
25 as shown by the land records of the recorder of deeds of the county wherein the property is
26 located, except in any municipality contained wholly or partially within a county [with a
27 population of over six hundred thousand and less than nine hundred thousand] **with a charter**
28 **form of government and with more than six hundred thousand but less than seven hundred**
29 **thousand inhabitants**, "parties in interest" shall mean owners, lessees, mortgagees or
30 lienholders whose interest has been recorded or filed in the public records;

31 [(8)] (7) "Rehabilitation", the process of improving the property, including, but not

32 limited to, bringing the property into compliance with the applicable housing code.

447.622. Any organization may petition to have property declared abandoned pursuant
2 to the provisions of sections 447.620 to 447.640 and for temporary possession of such property,
3 if:

4 (1) The property has been continuously unoccupied by persons legally entitled to
5 possession for at least one month prior to the filing of the petition;

6 (2) The taxes are delinquent on the property;

7 (3) The property is a nuisance; and

8 (4) The organization intends to rehabilitate the property [and use the property as low-
9 or moderate-income housing].

447.625. 1. Any petition filed under the provisions of sections 447.620 to 447.640
2 which pertains to property located within any [municipality contained wholly or partially within
3 a county with a population of over six hundred thousand and less than nine hundred thousand]
4 **home rule city with more than four hundred thousand inhabitants and located in more**
5 **than one county** shall meet the requirements of this section.

6 2. Summons shall be issued and service of process shall be had as in other in rem or
7 quasi in rem civil actions.

8 3. The petition shall contain a prayer for a court order approving the organization's
9 rehabilitation plan and granting temporary possession of the property to the organization. The
10 petition shall also contain a prayer for a sheriff's deed conveying title to the property to the
11 organization [at the expiration of the one-year period following entry of the order granting
12 temporary possession of the property to the organization] **upon the completion of**
13 **rehabilitation** when no owner has regained possession of the property pursuant to section
14 [447.438] **447.638.**

15 4. The court shall stay any ruling on the organization's prayer for a sheriff's deed until
16 [the one-year period has expired] **rehabilitation has been completed.**

17 5. The owner [shall be entitled to regain possession of the property by motion instead
18 of a new petition under section 447.638. The compensation to be paid shall be set] **may file a**
19 **motion for restoration of possession of the property prior to the completion of**
20 **rehabilitation. The court shall determine whether to restore possession to the owner and**
21 **proper compensation to the organization** in the same manner as in section 447.638.

22 6. [The] **Upon completion of rehabilitation the** organization may file a motion for
23 sheriff's deed in place of a petition for judicial deed under section 447.640.

24 7. The provisions of sections 447.620 to 447.640 shall apply except where they are in
25 conflict with this section.

447.632. The court shall grant the organization's petition if the court finds that the

2 conditions alleged by the plaintiff as specified in section 447.622 [exist] **existed at the time the**
3 **verified petition was filed in the circuit court**, that the plan for the rehabilitation of the
4 property submitted to the court by the plaintiff is feasible and defendant has failed to demonstrate
5 that the plaintiff should not be allowed to rehabilitate the property.

447.636. The organization shall file [an annual] **a quarterly** report of its rehabilitation
2 and use of the property, including a statement of all expenditures made by the organization and
3 all income and receipts from the property for the preceding [years] **quarters**.

447.638. The owner [shall be entitled to regain possession of the property by petitioning]
2 **may petition** the circuit court for restoration of possession **of the property** and, upon due notice
3 to the plaintiff organization, for a hearing on such petition. At the hearing, the court shall
4 determine **whether the owner has the capacity and the resources to complete rehabilitation**
5 **of the property if such work has not been completed by the organization. If the court**
6 **determines that the owner does not have the capacity or the resources to complete**
7 **rehabilitation of the property, the court shall not restore possession to the owner. If the**
8 **court determines that the rehabilitation work has been completed by the organization or**
9 **that the owner has the capacity and the resources to complete the rehabilitation, the court**
10 **shall then determine** proper compensation to the organization for its expenditures, including
11 management fees, based on the organization's reports to the court. The court, in determining the
12 proper compensation to the organization, may consider income or receipts received from the
13 property by the organization. After the owner pays the compensation to the organization as
14 determined by the court, the owner shall resume possession of the property, subject to all existing
15 rental agreements, whether written or verbal, entered into by the organization.

447.640. If an owner [takes no action to] **does not** regain possession of the property in
2 the one-year period following entry of an order granting temporary possession of the property
3 to the organization, the organization may file a petition for judicial deed and, upon due notice
4 to the named defendants, an order may be entered granting a quitclaim judicial deed to the
5 organization. A conveyance by judicial deed shall operate to extinguish all existing ownership
6 interests in, liens on, and other interest in the property, except tax liens.

Section 1. 1. The governor is hereby authorized and empowered to sell, transfer,
2 **grant, and convey all interest in fee simple absolute in property owned by the state in the**
3 **Battle of Athens State Historic Site to the Robert F. French Trust. The property to be**
4 **conveyed is more particularly described as follows:**

5 **All that part of the Southwest quarter of section nineteen**
6 **in Township sixty seven North, Range seven West described in**
7 **instrument recorded at microfilm drawer 3M card 2156 of the**
8 **Clark county records being WEST of the following described**
9 **line. Beginning at the Southeast corner of a tract of land**

described in instrument recorded at microfilm drawer 9M card 926 of the Clark County records and shown on survey dated February 05, 1999 recorded with the Department of Natural Resources as Document number 750-26794, thence along the south boundary of section nineteen North 87 degrees 03' 25" West 8.0 feet to a fence and the true point of beginning, thence along said fence North 3 degrees 00' 33" East 1139.6 feet, thence North 4 degrees 38' 44" East 956.9 feet to a corner fence post, thence continue North 4 degrees 38' 44" East on a projection of the fence to the low water mark of the Des Moines River.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from the Robert F. French Trust. The property to be conveyed to the department is more particularly described as follows:

All that part of the Southwest quarter of section nineteen in Township sixty seven North, Range seven West described in instrument recorded at microfilm drawer 3M card 2156 of the Clark county records being EAST of the following described line. Beginning at the Southeast corner of a tract of land described in instrument recorded at microfilm drawer 9M card 926 of the Clark County records and shown on survey dated February 05, 1999 recorded with the Department of Natural Resources as Document number 750-26794, thence along the south boundary of section nineteen North 87 degrees 03' 25" West 8.0 feet to a fence and the true point of beginning, thence along said fence North 3 degrees 00'33" East 1139.6 feet, thence North 4 degrees 38' 44" East 956.9 feet to a corner fence post, thence continue North 4 degrees 38' 44" East on a projection of the fence to the low water mark of the Des Moines River.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at Cuivre River State Park to Steve and Ellen Piacentini, husband and wife. The property to be conveyed is more particularly described as follows:

Part of lands located in the County of Lincoln and the State of Missouri, lying in part of the southwest quarter of Section 16 and part of the northwest quarter of Section 21, Township 49 North, Range 1 East of the Fifth Principal Meridian, being all that part north and east of the following described courses:

Commencing at a standard aluminum monument, described in

MoDNR document # 600-65596 and located per survey filed as document # 750-26854 in the records of the Missouri Department of Natural Resources, marking the southeast corner of the northeast quarter of the northwest quarter of said Section 21; thence along the east line of said northeast quarter of the northwest quarter of Section 21, north 00 degrees 51 minutes 55 seconds east, a distance of 890.80 feet to a set 5/8 inch rebar, the TRUE POINT OF BEGINNING of the herein described courses; thence departing said east line north 89 degrees 08 minutes 05 seconds west, a distance of 45.00 feet to a set 5/8 inch rebar, from which a found 3/8 inch rebar bears south 89 degrees 08 minutes 05 seconds east, a distance of 18.1 feet; thence north 00 degrees 51 minutes 55 seconds east, a distance of 489.20 feet to a set 5/8 inch rebar, from which a standard aluminum monument, described in MoDNR document # 600-65595 and located per said survey filed as document # 750-26854, bears south 89 degrees 05 minutes 55 seconds east, a distance of 45.00 feet and a found 1/2 inch rebar with orange plastic cap marked "RLS 1851" bears south 79 degrees 19 minutes 30 seconds east, a distance of 16.1 feet; thence north 89 degrees 05 minutes 55 seconds west, a distance of 155.40 feet to a set 5/8 inch rebar; thence north 00 degrees 54 minutes 05 seconds east, a distance of 53.80 feet to a set 5/8 inch rebar; thence north 89 degrees 05 minutes 55 seconds west, a distance of 409.29 feet to the east line of a tract of land conveyed to Loyd E. Groshong by instrument recorded in Deed Book 220 at page 575 of the Lincoln County land records, marked by a set 5/8 inch rebar, from which a found 1 1/4 inch solid round rod bears north 00 degrees 34 minutes 30 seconds east, a distance of 253.60 feet; thence along the east line of said Groshong tract, south 00 degrees 34 minutes 30 seconds west, a distance of 53.80 feet to the section line between said Sections 16 and 21, marked by a set 5/8 inch rebar, the point of termination of the herein described courses, from which a found 7/8 inch O.D. iron pipe bears south 00 degrees 34 minutes 30 seconds west, a distance of 7.55 feet and a 5/8 inch rebar with aluminum cap, described in MoDNR document # 600-65594 and located per said survey filed as document # 750-26854, bears north 89 degrees 05 minutes 55 seconds west, a distance of 710.45 feet.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from Steve and Ellen Piacentini. The property to be conveyed to the department is more particularly described as follows:

Part of lands located in the County of Lincoln and the

State of Missouri, lying in part of the southwest quarter of Section 16 and part of the northwest quarter of Section 21, Township 49 North, Range 1 East of the Fifth Principal Meridian, being all that part south and west of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-65596 and located per survey filed as document # 750-26854 in the records of the Missouri Department of Natural Resources, marking the southeast corner of the northeast quarter of the northwest quarter of said Section 21; thence along the east line of said northeast quarter of the northwest quarter of Section 21, north 00 degrees 51 minutes 55 seconds east, a distance of 890.80 feet to a set 5/8 inch rebar, the TRUE POINT OF BEGINNING of the herein described courses; thence departing said east line north 89 degrees 08 minutes 05 seconds west, a distance of 45.00 feet to a set 5/8 inch rebar, from which a found 3/8 inch rebar bears south 89 degrees 08 minutes 05 seconds east, a distance of 18.1 feet; thence north 00 degrees 51 minutes 55 seconds east, a distance of 489.20 feet to a set 5/8 inch rebar, from which a standard aluminum monument, described in MoDNR document # 600-65595 and located per said survey filed as document # 750-26854, bears south 89 degrees 05 minutes 55 seconds east, a distance of 45.00 feet and a found 1/2 inch rebar with orange plastic cap marked "RLS 1851" bears south 79 degrees 19 minutes 30 seconds east, a distance of 16.1 feet; thence north 89 degrees 05 minutes 55 seconds west, a distance of 155.40 feet to a set 5/8 inch rebar; thence north 00 degrees 54 minutes 05 seconds east, a distance of 53.80 feet to a set 5/8 inch rebar; thence north 89 degrees 05 minutes 55 seconds west, a distance of 409.29 feet to the east line of a tract of land conveyed to Loyd E. Groshong by instrument recorded in Deed Book 220 at page 575 of the Lincoln County land records, marked by a set 5/8 inch rebar, from which a found 1 1/4 inch solid round rod bears north 00 degrees 34 minutes 30 seconds east, a distance of 253.60 feet; thence along the east line of said Groshong tract, south 00 degrees 34 minutes 30 seconds west, a distance of 53.80 feet to the section line between said Sections 16 and 21, marked by a set 5/8 inch rebar, the point of termination of the herein described courses, from which a found 7/8 inch O.D. iron pipe bears south 00 degrees 34 minutes 30 seconds west, a distance of 7.55 feet and a 5/8 inch rebar with aluminum cap, described in MoDNR document # 600-65594 and located per said

99 survey filed as document # 750-26854, bears north 89 degrees 05
100 minutes 55 seconds west, a distance of 710.45 feet.

101 3. The attorney general shall approve the form of the instrument of conveyance.

Section 3. 1. The governor is hereby authorized and empowered to sell, transfer,
2 grant, and convey all interest in fee simple absolute in property owned by the state at
3 Washington State Park to Rachel DeClue and Patricia Westoff. The property to be
4 conveyed is more particularly described as follows:

5 Part of lands located in the County of Washington and the
6 State of Missouri, lying in the west half of the northeast quarter
7 of Section 29, Township 39 North, Range 3 East of the Fifth
8 Principal Meridian, being all that part enclosed by the following
9 described courses:

10
11 Commencing at a standard aluminum monument, described in
12 MoDNR document # 600-66813 and located per survey filed as
13 document # 750-26906 in the records of the Missouri Department
14 of Natural Resources, marking the southeast corner of said west
15 half of the northeast quarter of Section 29; thence north 88
16 degrees 06 minutes 30 seconds west, a distance of 807.05 feet to a
17 found 1 inch round rod (as called for in Deed Book 125 at page
18 61 of the land records of Washington County), lying within the
19 right-of-way of Missouri Route 21; thence north 39 degrees 15
20 minutes 30 seconds west, a distance of 711.15 feet to a found 3/4
21 inch smooth round rod (as called for in Deed Book 125 at page
22 202 of said land records); thence north 80 degrees 28 minutes 30
23 seconds east, a distance of 7.0 feet to the easterly right-of-way of
24 said Route 21, marked by a set 5/8 inch rebar, being the TRUE
25 POINT OF BEGINNING of the herein described courses; thence
26 continuing north 80 degrees 28 minutes 30 seconds east, a
27 distance of 413.00 feet to a set 5/8 inch rebar; thence south 14
28 degrees 20 minutes 00 seconds east, a distance of 295.15 feet to a
29 set 5/8 inch rebar; thence south 87 degrees 00 minutes 00 seconds
30 west, a distance of 290.00 feet to said easterly right-of-way, from
31 which a found t-post bears south 87 degrees 00 minutes 00
32 seconds west, a distance of 7.7 feet; thence northwesterly along
33 said easterly right-of-way to the true point of beginning.

34 2. In consideration for the conveyance in subsection 1 of this section, the Missouri
35 department of natural resources is hereby authorized to receive via quitclaim deed
36 property from Rachel Declue and Patricia Westoff. The property to be conveyed to the
37 department is more particularly described as follows:

38 Part of lands located in the County of Washington and the
39 State of Missouri, lying in the west half of the northeast quarter

of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part north and east of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey filed as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29 and being the TRUE POINT OF BEGINNING of the herein described courses; thence south 87 degrees 37 minutes 35 seconds west, a distance of 123.69 feet to a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906; thence north 47 degrees 49 minutes 00 seconds west, a distance of 508.45 feet to a set 5/8 inch rebar; thence north 84 degrees 46 minutes 30 seconds west, a distance of 270.10 feet to a set 5/8 inch rebar; thence north 14 degrees 20 minutes 00 seconds west, a distance of 295.15 feet to a set 5/8 inch rebar; thence south 80 degrees 28 minutes 30 seconds west, a distance of 413.00 feet to the easterly right-of-way of Missouri Route 21, marked by a set 5/8 inch rebar, said rebar being the point of termination, from which a found ¾ inch smooth round rod (as called for in Deed Book 125 at page 202 of the land records of Washington County) bears south 80 degrees 28 minutes 30 seconds west, a distance of 7.0 feet and a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906, bears north 39 degrees 20 minutes 00 seconds west, a distance of 110.90 feet.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at Washington State Park to Oscar and Margaret Rulo. The property to be conveyed is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part south and west of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey filed as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west

half of the northeast quarter of Section 29; thence south 87 degrees 37 minutes 35 seconds west, a distance of 123.69 feet to a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906, being the TRUE POINT OF BEGINNING of the herein described courses; thence north 47 degrees 49 minutes 00 seconds west, a distance of 508.45 feet to a set 5/8 inch rebar; thence north 84 degrees 46 minutes 30 seconds west, a distance of 270.10 feet to a set 5/8 inch rebar; thence south 87 degrees 00 minutes 00 seconds west, a distance of 290.00 feet to the point of termination at the easterly right-of-way of Missouri Route 21, from which a found t-post bears south 87 degrees 00 minutes 00 seconds west, a distance of 7.7 feet.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from Oscar and Margaret Rulo. The property to be conveyed to the department is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part north and east of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey tiled as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29 and being the TRUE POINT OF BEGINNING of the herein described courses; thence south 87 degrees 37 minutes 35 seconds west, a distance of 123.69 feet to a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906; thence north 47 degrees 49 minutes 00 seconds west, a distance of 508.45 feet to a set 5/8 inch rebar; thence north 84 degrees 46 minutes 30 seconds west, a distance of 270.10 feet to a set 5/8 inch rebar; thence north 14 degrees 20 minutes 00 seconds west, a distance of 295.15 feet to a set 5/8 inch rebar; thence south 80 degrees 28 minutes 30 seconds west, a distance of 413.00 feet to the easterly right-of-way of Missouri Route 21, marked by a set 5/8 inch rebar, said rebar being the point of termination, from which a found ¾ inch smooth round rod (as called for in Deed Book 125 at page 202 of the land records of Washington County) bears south 80 degrees 28 minutes 30 seconds west, a distance of 7.0 feet and a found ½ inch rebar with yellow plastic cap marked

58 **"ELGIN PS 1682", per said document # 750-26906, bears north**
59 **39 degrees 20 minutes 00 seconds west, a distance of 110.90 feet.**

60 **3. The attorney general shall approve the form of the instrument of conveyance.**

Section 5. 1. The director of the department of natural resources is hereby
2 **authorized and empowered to grant and convey certain land in Jefferson County described**
3 **as follows:**

4 **Parcel 11: Part of a larger tract of 42.26 acres located and being**
5 **all that part of the South one-half of the northeast quarter of**
6 **Section 20, Township 43 North, Range 5 East, in Jefferson**
7 **County, Missouri and described as follows: Beginning at an iron**
8 **pipe in the South line of the Northeast Quarter of said Section 20,**
9 **being South 88 degrees 25 minutes East, distance 507.41 feet from**
10 **the center of said Section 20; thence leaving the said South line of**
11 **said Northeast Quarter of said Section 20, North 30 minutes East**
12 **159.11 feet to an iron pipe; thence North 88 degrees 25 minutes**
13 **East 588.47 feet to a point in the center-line of a branch from**
14 **which an iron pipe bears South 88 degrees 25 minutes West,**
15 **distance 146.66 feet; thence along the said center-line of said**
16 **branch South 27 degrees 02 minutes West 181.29 feet to a point**
17 **from which an iron pipe bears South 88 degrees 25 minutes West,**
18 **distance 65.60 feet; thence leaving the said center-line of said**
19 **branch and along the South line of said Northeast Quarter of said**
20 **Section 20 South 88 degrees 25 minutes West 507.41 feet to the**
21 **point of beginning, containing two (2) acres.**

22
23 **Also an easement 20 feet wide lying East of and South of the**
24 **following described line: Beginning at a point located in the**
25 **North line of the above described tract said point being South 88**
26 **degrees 25 minutes West 75 feet more or less from the Northeast**
27 **corner; thence North 28 degrees 48 minutes East 760 feet, more**
28 **or less to a point; thence South 49 degrees 45 minutes East to the**
29 **West right-of-way line of Romain Creek County Road.**

30 **2. Tammy L. Edwards shall have the right of first refusal to purchase the property**
31 **described in subsection 1 of this section based on the fair market value of the property as**
32 **determined by an appraiser contracted with by the department of natural resources. In**
33 **the event that Tammy L. Edwards is unable or unwilling to purchase the property for the**
34 **price determined by the department of natural resources, the department of natural**
35 **resources shall then sell the property at a public auction under such terms and conditions**
36 **as the department shall set.**

37 **3. The attorney general shall approve the form of the instrument of conveyance.**